

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

JOHN J. GUBITOSI,

Plaintiff,

v.

TIMOTHY HILL CHILDREN'S RANCH,
INC.; TIMOTHY HILL FARM LLC;
APPLE DAY CAMP, INC.;
TIMOTHY HILL CHRISTIAN CAMP, INC.;
JERRELL HILL, in his official and individual
capacity;
FERN HILL, in her official and
individual capacity;
DIANE CORAZZINI, in her
official and individual capacity;
ROSE PETTIT, in her official and individual
capacity;
Personal Representative, presently unknown,
of the ESTATE OF MARK PETTIT,
in his official and individual capacity;
Personal Representative, presently unknown,
of the ESTATE OF MICHAEL GERRARD;
JOHN DOE 1-10, MEMBERS OF THE
BOARD OF TRUSTEES OF TIMOTHY
HILL CHILDREN'S RANCH, INC., in their
official and individual capacities, whose
identities are presently unknown to Plaintiff;
AND RICHARD ROE 1-10

Defendants.

Index No.

SUMMONS

To the above-named defendants:

You are hereby summoned and required to serve upon plaintiff's attorneys an answer to the Complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In the case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Plaintiff designates Suffolk County as the place of trial. The basis of venue is defendant Timothy Hill Children's Ranch, Inc.'s, principal place of business.

Dated: New York, New York
November 14, 2019

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP



REGINA M. CALCATERRA
Calcaterra@whafh.com
JAMES A. ALIAGA
Aliaga@whafh.com
270 Madison Avenue
New York, New York 10016
Phone: (212) 545-4600
Attorneys for Plaintiff

Defendant's Addresses:

Timothy Hill Children's Ranch, Inc.

Executive Director: Thaddaeus Hill,
298 Middle Road
Riverhead, New York, 11901

Jerrell & Fern Hill

356 Middle Rd
Riverhead, New York 11901

Diane Corazzini

100 Lupen Drive
Cutchogue, NY 11935

Rose Petit

4717 Pine Hollow Lane
Greensboro, NC 27410

Personal Representative of the Estate of Mark Petit

Unknown at this time

Personal Representative of the Estate of Michael Gerrard

Unknown at this time

John Doe 1-10, Members of the Board of Trustees of Timothy Hill Children's Ranch, Inc.

Unknown at this time

Richard Roe 1-10

Unknown at this time

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

JOHN J. GUBITOSI,

Plaintiff,

v.

TIMOTHY HILL CHILDREN'S RANCH,
INC.; TIMOTHY HILL FARM LLC;
APPLE DAY CAMP, INC.;
TIMOTHY HILL CHRISTIAN CAMP, INC.;
JERRELL HILL, in his official and individual
capacity;
FERN HILL, in her official and individual
capacity;
DIANE CORAZZINI, in her
official and individual capacity;
ROSE PETTIT, in her official and individual
capacity;
Personal Representative, presently unknown,
of the ESTATE OF MARK PETTIT,
in his official and individual capacity;
Personal Representative, presently unknown,
of the ESTATE OF MICHAEL GERRARD;
JOHN DOE 1-10, MEMBERS OF THE
BOARD OF TRUSTEES OF TIMOTHY
HILL CHILDREN'S RANCH, INC., in their
official and individual capacities, whose
identities are presently unknown to Plaintiff;
AND RICHARD ROE 1-10

Defendants.

Index No.

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff John J. Gubitosi, by his attorneys Wolf Haldenstein Adler Freeman & Herz LLP, brings this action against Timothy Hill Children's Ranch, Inc.; Timothy Hill Farm LLC, Apple Day Camp, Inc.; Timothy Hill Christian Camp, Inc.; Co-founders Jerrell and Fern Hill, in their official and individual capacities; Diane Corazzini, in her official and individual capacity; Rose Pettit, in her official and individual capacity; the Estate of Mark Pettit; the Estate of Michael Gerrard; John Doe 1-10, Members of the Board of Trustees of Timothy Hill Children's Ranch,

Inc., in their official and individual capacities, whose identities are presently unknown to Plaintiff; and Richard Roe 1-10, in their official and individual capacities, whose identities are presently unknown, hereby alleging, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

INTRODUCTION

1. This is an action pursuant to The Child Victims Act (enacted on February 14, 2019), in which the New York State Governor and Legislature approved legislation that amended the New York CPLR by, *inter alia*, adding CPLR § 214-g, which revives sexual abuse actions (involving both intentional conduct and negligence) that were previously time-barred under New York law. All of the claims asserted by Plaintiff in this action are thus revived and timely asserted.

2. In 1976, Defendants Jerrell and Fern Hill founded the Timothy Hill Children's Ranch in honor of their late son. That same year, a Certificate of Incorporation for Timothy Hill Children's Ranch, Inc. ("THCR") was filed with the State of New York. THCR currently operates as a not-for-profit corporation.

3. From its beginning of operations in 1980, the ranch operated as a group home under the auspices of using "Christ-centered values" to help restore "abused and neglected boys". The ranch is located in the Town of Riverhead, Suffolk County, New York.

4. By 1994, the ranch was accepting 13-19 year old males (THCR Advertisement for Holiday Contributions, Riverhead News Review, Dec. 1994, col 1, and Dec. 1995, col 1)(Attached as Exhibit A). Some of these boys had been labeled "PINS" – Persons in Need of Supervision – and were referred to the ranch by the Department of Social Services of Nassau and

Suffolk County, as well as local family courts and probation departments. Other social service agencies, schools, and parents were also able to refer boys.

5. In October of 1994, at the age of 15, Plaintiff arrived at the ranch.

6. During the approximately two months that Plaintiff was under the custody and supervision of THCR, Plaintiff was repeatedly and viciously victimized by the teenaged residents of the ranch. The abuse was enabled by the Defendants' negligence and allowed to continue because of their callous apathy to Plaintiff's reports and cries for help.

7. For example, on Plaintiff's first night at the ranch, several other residents held a blanket over Plaintiff's face and body while laughing and beating Plaintiff with heavy objects. Mere moments after the attack ended and the assailants left, Plaintiff reported to House Parent Mark Pettit that he had been beaten up while sleeping. House Parent Mark Pettit, employed and entrusted by THCR to live with and care for the residents, replied, in sum and substance, "Oh that was a blanket party. Man up. Go back to bed. I'll handle it."

8. On the contrary, despite Plaintiff reporting to THCR employees the physical and sexual abuse he suffered over and over at the hands of the other residents, the abuse was left unhandled.

9. Defendants' practice and de facto policy of virtually no supervision after "lights out" made it so that Plaintiff was repeatedly beaten by the other teenage boys in his residence. Defendants' inadequate supervision meant that, despite multiple staff members residing under the very same roof, these regular beatings escalated to sexual abuse at the hands of the older residents.

10. Plaintiff's numerous complaints to staff were met by, *inter alia*, negligently incompetent efforts by Defendant Corazzini, a licensed Certified Social Worker employed by THCR, and dismissive insults by THCR employees.

11. Defendant Corazzini would force Plaintiff to repeat his complaints of abuse out loud in front of the accused residents of the ranch at "House Meetings", resulting in the older boys' collective retaliatory violence against Plaintiff.

12. Negligence by the Defendants, as detailed below, allowed this foreseeable physical and sexual abuse to take place.

13. The natural result of Defendants' failures was that Plaintiff, out of sheer self-preservation, attempted to escape the physical and sexual abuse he was facing at the ranch.

14. Plaintiff arrived at the ranch in October 1994. By mid-to-late December, 1994, he attempted to escape to his grandmother.

15. Plaintiff's abuse coincided with expansion and fundraising efforts at the ranch. On September 8, 1994, the Riverhead News Review reported that THCR had begun collecting donations towards a multi-year \$750,000 expansion project. Fundraising efforts would continue through November 1995.

16. In explaining Plaintiff's escape from the ranch in December 1994, Defendant THCR engaged in a cover-up through its representations by Defendant Diane Corazzini to the Suffolk Family Court, which focused solely on Plaintiff's attempts to flee, and omitted Plaintiff's multiple reports of abuse.

17. Negligence and professional misconduct after the fact by the Defendants in addressing Plaintiff's cries for help evinced – at best – a violation of mandated child abuse reporting law and callous failures to prevent further emotional and physical injury to Plaintiff. At

worse, Defendants' conduct amounted to a victim-blaming cover-up, where THCR prioritized their public image and revenue stream over the safety of the children in their custody.

JURISDICTION AND VENUE

18. This Court has personal jurisdiction over the Defendants Jerrell and Fern Hill, Diane Corazzini, and Timothy Hill Children's Ranch, Inc., Timothy Hill Farm LLC and Apple Day Camp, Inc., pursuant to CPLR §§ 301 and 302, in that the Defendants reside in New York.

19. This Court has personal jurisdiction over the Defendant Rose Pettit pursuant to CPLR § 302 in that Defendant Rose Pettit committed the acts described here within this State.

20. This Court has personal jurisdiction over the Estate of Mark Pettit pursuant to CPLR § 302 in that the late Mark Pettit committed the acts described here within this State.

21. This Court has personal jurisdiction over the Estate of Michael Gerrard pursuant to CPLR § 302 in that the late Michael Gerrard committed the acts described here within this State.

22. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

23. Venue for this action is proper in the County of Suffolk pursuant to CPLR § 503 in that a number of Defendants reside in, or maintain a principal place of business in this County and a substantial part of the events and omissions giving rise to the claims occurred in this County.

PARTIES

24. Plaintiff John Gubitosi (“Plaintiff”) is an adult individual residing in the State of New York. He resided at the ranch from October 1994 to December 1994 and thus was under the custody and supervision of Defendant THCR and all other Defendants during that time.

25. Defendant THCR is and at all material times has been, a corporation organized and existing under the laws of the State of New York, with its principal office at 298 Middle Road, Riverhead, Suffolk County, New York.

26. Defendants Jerrell Hill and Fern Hill (“Jerrell” and “Fern”) are the co-founders of the ranch located at the above-mentioned address.

27. At all material times, Jerrell was the Executive Director of THCR. He resides, upon information and belief, jointly with Fern, in the State of New York.

28. Prior to founding the ranch, Jerrell was a minister of the Riverhead Church of Christ.

29. At all material times, Fern assisted with the ranch’s administrative fundraising efforts and the implementation of the ranch’s mission of promoting Christ-centered values. As is described herein, these values included an endorsement for corporal punishment. .

30. The ranch has on occasion been referred to as the Timothy Hill Children’s Ranch of the Church of Christ.

31. Fern resides, at all material times, jointly with Jerrell, and, upon information and belief, in the State of New York.

32. Defendant Diane Corazzini (“Corazzini”) was, at all material times, an employee at the ranch in her capacity as a licensed Certified Social Worker registered under the laws of New York State.

33. Mark Pettit (“Mark”) has been deceased since February 2006, and was, at all times, an employee at the ranch, whose primary responsibilities included oversight of a multi-resident dwelling called “House 2” and of the residents who resided at said dwelling, including Plaintiff. Plaintiff has not yet uncovered the identity of the personal representative of the Estate of Mark Pettit and reserves the right to name such representative as his or her identity becomes known by naming Personal Representative of the Estate of Mark Pettit as a Defendant.

34. Defendant Rose Pettit (“Rose”) was, at all material times, an employee at the ranch, whose primary responsibilities included oversight of a multi-resident dwelling called “House 2”. Rose resided in House 2 with her late husband, Mark Pettit.

35. Michael Gerrard (“Gerrard”) has been deceased since July 8, 2019, and was, at all material times, an employee at the ranch, the Deputy Executive Director of THCR, and was a licensed Certified Social Worker registered under the laws of New York State. Plaintiff has not yet uncovered the identity of the personal representative of the Estate of Michael Gerrard and reserves the right to name such representative as his or her identity becomes known by naming Personal Representative of the Estate of Michael Gerrard as a Defendant.

36. Defendants John Doe 1-10 (“THCR Board of Trustees”), are or were various members of the THCR Board of Trustees, from various times – from 1994 to present – and/or upon information and belief, agents, fiduciaries, servants, and/or employees of Defendant THCR.

37. At this time Plaintiff has not yet uncovered the identities of all material and/or implicated THCR directors and/or employees during the material times and has reserved rights to name them as their identities become known by naming Richard Roe 1-10.

RELATIONSHIP BETWEEN THE PARTIES

38. At all relevant times, the ranch was closely managed, directed, and controlled, by Defendants THCR, THCR Board of Trustees, Jerrell, Fern, and Gerrard.

39. At all relevant times, from October 1994 to December 1994, Defendants THCR and the THCR Board of Trustees, had oversight, control and autonomy over the appointment and hiring and firing decisions of all staff and social workers at the ranch.

40. At all relevant times, from October 1994 to December 1994, Defendants Jerrell and Fern made regular appearances at the ranch and closely managed, directed, and controlled the ranch and the operations of Defendant THCR.

41. At all relevant times, from October 1994 to December 1994, Defendants Jerrell, Fern, and Gerrard had oversight, control, and autonomy over the appointment and hiring and firing decisions of all supervisors and employees of Defendant THCR.

42. At all relevant times, Defendant THCR managed, supervised, employed, directed and/or controlled employees, including social workers assigned to work at the Ranch, including Defendants Corazzini, Gerrard, Mark, Rose, and John Doe 1-10.

43. At all relevant times, Defendants Jerrell, Fern, Gerrard, Corazzini, Gerrard, Mark, Rose, and John Doe 1-10 were agents, managers, directors, or employees of Defendant THCR.

FACTS COMMON TO ALL CLAIMS

Background

44. As stated above, THCR was established in 1976 by Defendants Jerrell and Fern under the auspices of using “Christ-centered values” to help restore “abused and neglected boys.” However, despite these aims, the ranch’s management style and ideology endorsed and utilized corporal punishment. For example, in her book about her deceased thirteen-year-old son,

Timothy Hill, Defendant Fern describes threatening to whip a two-year old Timothy with a belt in order to discipline him for emptying a bag of potato chips on the ground. (Fern Hill, *Graduation to Glory*, Star Bible Publication, 6th Edition, 2000, p.49). Similarly, Defendant Fern recounts a four-year old Timothy's confusion as to why she hit him, and her later pride when he told friends that Fern "whipped me because she loved me..." (Fern Hill, *Graduation to Glory*, Star Bible Publication, 6th Edition, 2000, p.29).

45. As of 1994, THCR received \$120.00 a day per child, to provide "shelter, clothing, food, medical care, instruction, counseling, and recreation... seventy percent of the ranch's more than \$1 million budget was government funded. The balance [was] from fundraising" (John Carter, *Life Lessons at the Ranch: Horses and TLC Transform Timothy Hill 'PINS' into Men*, The Riverhead News-Review, Sept. 8, 1994, at 2, col. 3)(See Exhibit B).

46. By 1994, the ranch operated as a group home on a 106-acre ranch located in the Town of Riverhead, New York, and accepted temporary placements of male children from local family courts.

47. Between the years 1994-1996, THCR began a high profile fundraising effort to expand the buildings on the ranch property, seeking at least \$750,000 to construct an administrative and family counseling center that would include "seven rooms for parent-child therapy sessions" (John Carter, *Life Lessons at the Ranch: Horses and TLC Transform Timothy Hill 'PINS' into Men*, Riverhead News Review, Sept. 8, 1994, at 19 (Exhibit B); *Hill Hailed for 15 Years*, Riverhead News Review, Nov. 16, 1995 at 23)(Attached as Exhibit C).

48. In 1994, the ranch was accepting males who had been labeled "PINS" – Persons in Need of Supervision – as referrals to the ranch by the Departments of Social Services of

Nassau and Suffolk Counties, as well as local family courts and probation departments. Other social service agencies, schools, and parents were also able to refer boys.

49. In receiving PINS individuals, Defendant THCR and THCR employees received background information of the children and of the circumstances that led to them being placed at the ranch.

50. On October 25, 1994, Plaintiff was placed by a Suffolk County Family Court order into the Custody of the Suffolk Department of Social Services for placement at the Timothy Hill Children's Ranch for a period of up to 18 months.

51. Plaintiff began residing at the ranch in late October 1994, at the age of 15.

52. By the end of December 1994, for the reasons herein, Plaintiff had fled the ranch.

House 2

53. During the times relevant to the allegations set forth herein, the teenaged boys at the ranch were assigned to either House 1 or House 2 on the premises of the ranch.

54. During the times relevant to the allegations set forth herein, Plaintiff was assigned to reside within House 2.

55. Defendant Corazzini was a duly licensed Certified Social Worker per New York State Law and was the social worker assigned by THCR to the residents of House 2 during the times relevant to the allegations set forth herein.

56. During the times relevant to the allegations set forth herein, Defendants Corazzini and Gerrard, as duly licensed Certified Social Workers per New York State Law, were required by Title 6 of the Social Services Law to report cases of suspected child abuse or maltreatment.

57. During the times relevant to the allegations set forth herein, Defendants Jerrell, Fern, Corazzini, Gerrard, Mark, and Rose, as child care professionals working in New York

State, were required by Title 6 of the Social Services Law to report cases of suspected child abuse or maltreatment.

58. During the times relevant to the allegations set forth herein, Defendant THCR was responsible for overseeing, managing, controlling, directing and operating the ranch.

59. During the times relevant to the allegations set forth herein, Defendant THCR was responsible for establishing and maintaining procedures and policies to allow employees to meet their statutory obligations under Title 6 of the Social Services Law and facilitate the reporting of suspected child abuse or maltreatment.

60. During the times relevant to the allegations set forth herein, Jerrell, Fern, Gerrard, Mark, Rose, and Corazzini held supervisory positions at the ranch, and acted within the course of their employment as agents, servants, and/or employees of Defendant THCR.

61. Through their positions at, within, or for Defendant THCR, Jerrell, Gerrard, Mark, Rose, and Corazzini (collectively "Individual Defendants") were put in direct contact with Plaintiff, a minor resident at ranch.

62. During the times relevant to the allegations set forth herein, House 2 consisted of a first floor and a basement connected by a staircase.

63. During the times relevant to the allegations set forth herein, the basement of House 2 contained non-residential office spaces and a weight room.

64. Two of the above-referenced office spaces were regularly used by Defendant Gerrard and Defendant Corazzini.

65. The first floor of House 2 contained multiple bedrooms designated for the resident boys, a communal bathroom, and personal living quarters for THCR employees.

66. During the times relevant to the allegations set forth herein, Defendants Mark and Rose resided together in one of the personal living quarters within House 2 on the first floor.

67. Including the Plaintiff, there were approximately ten other resident boys assigned to House 2 during the months of October to December 1994. Given the temporary nature of placements at the ranch, this number fluctuated during the above time period.

68. Relative to the other residents of House 2, Plaintiff was one of the smallest residents.

From the Beginning, Lawlessness and “Blanket Parties” at the Ranch

69. The regular practice at House 2 was for the Defendants Mark and Rose to retire to their personal quarters after the “lights out” sleeping period commenced. After this point, Plaintiff and the other teenage residents of House 2 were left virtually unsupervised.

70. Upon information and belief, several of the House 2 residents had, at all material times, been adjudicated PINS. Nevertheless, after “lights out”, those same residents of House 2 were left unsupervised at night.

71. The lack of adequate supervision created an aggressive and dangerous environment where Plaintiff feared for his safety and where other House 2 resident boys could roam freely at night.

72. On Plaintiff’s first night at the Ranch, Plaintiff was assigned to the bedroom closest to the residential units occupied by Defendants Mark and Rose.

73. This proximity to THCR employees, without adequate supervision, did nothing to prevent Plaintiff’s victimization.

74. During Plaintiff’s first night at the ranch, several residents entered Plaintiff’s bedroom and held a blanket over Plaintiff’s face and body. These residents then proceeded to

beat Plaintiff's face and body with heavy objects while laughing. The attack eventually ended when the above resident boys left Plaintiff's room.

75. Plaintiff then walked across the hallway to the door to Mark and Rose's living quarters and reported to Mark what had happened.

76. Mark's response to Plaintiff included the following, in sum and substance, "Oh that was a blanket party. Man up. Go back to bed. I'll handle it."

77. The night-time abuse was not addressed by THCR or any employees.

78. Plaintiff continued to be subject to these nighttime "blanket parties", multiple times a week.

79. During one of these nighttime "blanket parties", two of the residents attempted to anally rape Plaintiff.

80. During a separate occasion, again a nighttime "blanket party", one of the residents did anally rape Plaintiff, while another resident watched.

81. This sexual abuse constitutes a sexual offense as defined by Article one hundred thirty of the Penal Law.

Defendants Were Aware of Plaintiff's Victimization

82. As the assigned Certified Social Worker for House 2, Defendant Corazzini held herself out as an adult to whom Plaintiff could confide in.

83. When Plaintiff made reports of abuse, Defendant Corazzini on occasion would state to Plaintiff that she would keep the reports private, in order to encourage Plaintiff to speak.

84. Plaintiff reported the "blanket parties" to Defendant Corazzini on multiple occasions. On at least one occasion, Defendant Corazzini memorialized Plaintiff's reports by writing notes in a notebook.

85. Plaintiff reported the above the above sexual abuse to Defendant Corazzini.

86. It was regular practice for Defendants Corazzini, Mark, and Rose to hold “House Meetings” with the residents of House 2.

87. During these meetings, Defendant Corazzini would publicize some of Plaintiff’s complaints, identifying Plaintiff to the accused residents and asking him questions in front of the rest of the residents.

88. Predictably, Plaintiff suffered additional, retaliatory abuse by the residents as a consequence of these House Meetings.

89. Defendants Mark, Rose, and Gerrard became personally aware of Plaintiff’s victimization. It was regular practice for Corazzini, Mark, Rose, and Gerrard to hold “Staff Meetings” amongst themselves in the living room House 2 while the residents were instructed to stay in their rooms.

90. Despite all of the above, Defendant THCR consistently disregarded any and all of Plaintiff’s complaints and failed to provide any nighttime supervision of Plaintiff whatsoever.

91. Upon information and belief, Defendant Corazzini, a mandatory reporter under the Social Services Law, did not report any of the above incidents nor engage in further investigation into Plaintiff’s well-being.

92. Upon information and belief, Defendant Gerrard, a mandatory reporter under the Social Services Law, did not report any of the above incidents nor engage in further investigation into Plaintiff’s well-being.

93. Upon information and belief, Defendants Rose and Mark Pettit, mandatory reporters under the Social Services Law, did not report any of the above incidents nor engage in further investigation into Plaintiff’s well-being.

94. Defendants did not offer Plaintiff a course of treatment, and failed to take any steps to safeguard Plaintiff from the ongoing abuse Plaintiff was reporting.

95. Further, despite having direct knowledge about Plaintiff's targeted, repeated victimization, Defendant THCR did not take steps to remedy their reckless failure to implement much needed night time supervision of the residents of House 2, did not increase the amount of supervision on Plaintiff, and allowed Plaintiff to remain at House 2 and/or did absolutely nothing to relocate Plaintiff from House 2.

96. Defendant THCR knew, and/or reasonably should have known, that the level of supervision, security measures, and incident reporting at the ranch, specifically House 2, was woefully inadequate.

Plaintiff's Attempts to Flee to Safety

97. Given the negligent and inadequate response from the Defendants, Plaintiff attempted to escape the ranch.

98. In early December 1994, Plaintiff was allowed home visits to visit his grandmother's residence.

99. During home visits, it was customary for residents to spend the daytime with family members and then be picked up and returned to ranch by THCR employees.

100. During at least one of these visits in early December 1994, Plaintiff refused to return to the ranch. A day later, after intervention from Plaintiff's grandmother, Plaintiff agreed to return to the ranch.

101. By late December, Plaintiff's situation at the ranch had not improved.

102. Plaintiff was allowed a home visit on December 30, 1994.

103. Plaintiff had by this point informed his grandmother and his uncle about the sexual and physical abuse he suffered at the ranch.

104. Plaintiff visited his grandmother, and refused to return to the ranch.

The Ranch's Cover Up

105. As detailed below, Defendant THCR was in a fundraising and expansion phase that had begun in September 1994 and that would continue through November 1995.

106. While Plaintiff was residing with his grandmother in December 1994, Defendant THCR attempted to bring Plaintiff back into their custody. Defendant THCR did this in multiple ways, including sending THCR employees to Plaintiff's grandmother's residence, and having Defendant Gerrard make phone calls to both Plaintiff's grandmother and Plaintiff in order to have Plaintiff agree to return to the ranch.

107. Plaintiff did not return to the ranch.

108. In January 1995, Defendant THCR attempted to explain the above circumstances that resulted in Plaintiff no longer residing at the ranch to the Suffolk County Family Court of the State of New York.

109. In support of allegations filed in said Court that Plaintiff was "incorrigible, ungovernable or habitually disobedient and beyond the lawful control of parent or other lawful authority", Defendant THCR, through its social worker, Defendant Corazzini, submitted a statement detailing the events surrounding the above-mentioned home visits in December and the Plaintiff's multiple refusals to return to the ranch voluntarily.

110. This same letter made no mention or reference to Plaintiff's multiple reports of sexual and physical abuse occurring at the ranch.

111. The reality of regular "blanket parties" at the ranch was directly contrary to Jerrell's statements in the press that "that these boys aren't little demons... these kids are as good as any in the community, and *we're trying to make them a little better* – good men, well-adjusted and contributing to society" (John Carter, *Life Lessons at the Ranch: Horses and TLC Transform Timothy Hill 'PINS' into Men*, The Riverhead News Review, Sept. 8, 1994 at 2, col. 3)(Exhibit B)(emphasis added).

112. By 1995, Defendant THCR was in the practice of holding an Annual Long Island Friends Dinner fundraiser. Defendant THCR's 21st Annual Long Island Friends Dinner was scheduled for May 5, 1995.

113. Prior to and throughout the material times in this action, Defendant THCR was concentrating on a high profile fundraising effort towards a new "Administrative/Family Counseling Center". THCR officials broke ground on the \$750,000 project on September 10, 1994. (John Carter, *Life Lessons at the Ranch: Horses and TLC Transform Timothy Hill 'PINS' into Men*, The Riverhead News Review, Sept. 8, 1994 at 2, col. 1)(Exhibit B).

114. Thus, Defendant THCR had the financial and reputational motives to protect the ranch's reputation as a responsible caretaker of the children in their custody. Defendants acted on those motives in their dealings with Plaintiff, particularly their failures to investigate and report suspected child abuse.

Additional Allegations

115. At all times material hereto, Defendants were under the management, supervision, employ, direction and/or control of Defendant THCR.

116. At all material times, the ranch was and is closely managed, directed, and controlled by Defendant THCR.

117. Upon information and belief, Defendant THCR had at no time implemented rules, regulations or policies concerning or addressing either sexual abuse or the reporting thereof.

118. Over the years since 1994, the ranch has also been managed, directed, and controlled by Timothy Hill Farm, LLC; Apple Day Camp, Incorporated; and Timothy Hill Christian Camp, Inc.

119. Defendant THCR knew, and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities occurring at Timothy Hill Children's Ranch.

120. Defendant THCR had a duty to the Plaintiff to ensure that Defendant THCR did not offer opportunities for the assault of vulnerable children. Defendant THCR knew and/or should have known that the level of supervision and negligence made possible the assault and bullying of minor children, including Plaintiff, and made possible, and was, used to provide opportunities for sexual abuse.

121. Plaintiff suffered personal physical and psychological injuries and damages as a result of Defendants' actions and negligence, as well as other damages related thereto, as a result of his childhood sexual abuse.

122. As a direct and proximate result of Defendants' conduct described herein, Plaintiff suffered and continues to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff has been prevented from obtaining the full enjoyment of life; has incurred expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of the sexual abuse allowed by the

Defendants, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

123. Plaintiff's physical and emotional abuse from his time at the ranch, moreover, has been exacerbated by the pain and humiliation inflicted on him by the Defendants, who marginalized him, ignored his complaints, failed to take appropriate and reasonable responses to the observed abuse and his reports of abuse, and in all aspects failed to act as a reasonable and prudent guardian.

124. The level of supervision and security measures at the ranch was lacking prior to 1994.

125. As recently as 1989, there were three reported accidents occurring on Middle Road, all involving THCR employees and vehicles.

126. Upon information and belief, one of those incidents involved a THCR employee driving a THCR-owned van, while intoxicated, in the daytime, with THCR children on board.

127. Upon information and belief, another of those incidents involved a THCR counselor crashing through the fence of a private home neighboring the ranch.

128. To this day, Defendants on their website continue to hold themselves out to the public as a "safe haven" for children in times of abuse, neglect, and crisis.

129. There exists reason to believe that the same negligent and inadequate supervision and security measures, and negligent failures to report suspected child abuse, persisted at the ranch.

130. On May 20, 2014, the Riverhead News Review reported in an article titled "Teen accused of felony sex act at Timothy Hill ranch", that a "17-year-old accused of committing a felony sex act against another male teen at the Timothy Hill Children's Ranch was released on

\$2,500 bail after pleading not guilty...”. The article further reports that “[c]ourt papers allege that Mr. Wassenaar pushed his 16-year-old victim into a bathroom at the Arnold House at the ranch and sodomized him about 4:30 p.m. Sunday”.¹

Causes of Action
FIRST CAUSE OF ACTION
Negligent Supervision and Oversight
(Against all Defendants)

131. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 130 as if fully set forth herein.

132. At all material times, Defendants, collectively and individually, owed a duty to adequately supervise the persons placed in their care at the ranch.

133. At all material times, Defendants carelessly and negligently failed to adequately supervise Plaintiff and the other residents in their custody, even after repeated complaints of physical abuse by residents in their custody had been lodged by Plaintiff to multiple employees of Defendant THCR, including but not limited to Defendant Diane Corazzini and Mark Pettit.

134. Indeed, even after receiving numerous complaints of the other residents assaulting Plaintiff, Defendants allowed the inadequate level of supervision to remain.

135. At all material times, Defendants carelessly and negligently ignored the circumstances of Plaintiff at House 2, including the increased capacity for physical and sexual violence at nighttime.

¹ <https://riverheadnewsreview.timesreview.com/2014/05/54434/teen-accused-of-felony-sex-act-at-timothy-hill-ranch/>. The same publication would publish an article on August 16, 2014 announcing that prosecutors “have dismissed a felony sex offense” and “a further charge against the teen has been adjourned pending its dismissal”. See <https://riverheadnewsreview.timesreview.com/2014/08/57151/felony-sex-charge-against-teen-dropped-other-charge-to-be-dismissed/>.

136. At all material times, despite having actual knowledge of Plaintiff being the specific target of abuse by some of residents, Defendants carelessly and negligently failed to adequately supervise House 2 and permitted the House 2 residents free access to Plaintiff.

137. At all material times, Defendants knew of, or should have known of, the potential for physical and sexual abuse of younger residents by older residents.

138. As a direct and proximate result of Defendants' negligent supervision of Plaintiff, including the complete absence of adequate security or supervisory measures at night and on the ranch premises, Plaintiff was sexually abused by multiple residents, resulting in life-long physical and psychological and emotional harm.

139. The above sexual abuse constitutes a sexual offense as defined in Article one hundred thirty of the Penal Law.

140. As a direct and proximate result of Defendants' negligent supervision of Plaintiff, Plaintiff has suffered and will continue to suffer the injuries described herein.

141. The assault of younger and smaller children by older and bigger teenagers, especially in a temporary group home environment, is a foreseeable result of such negligence.

142. At all relevant times, Defendants represented or otherwise indicated to the public at large that resident children and teenagers would be physically safe while in the presence of staff and social workers employed by Defendant THCR. In doing so, Defendants entered into an express and/or implied duty to provide that children and teenagers left in the supervision of THCR employees would be kept reasonably safe.

143. The above-stated acts and omissions of Defendants demonstrated a reckless and conscious disregard of the rights, health, and safety of the Plaintiff, and were so malicious,

willful, and wanton as to constitute a grievous injury to the public-at-large, as well as to the Plaintiff; and, as such, give rise to punitive damages.

144. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally, and/or in the alternative, for compensatory damages, and punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence
(Against all Defendants)

145. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 130 as if fully set forth herein.

146. At all material times, Defendants collectively and individually, owed a duty to adequately supervise the persons placed in their care.

147. At all times material hereto, with regard to the allegations contained herein, Jerrell, Fern, Gerrard, Mark, and Rose were under the supervision, employ, direction and/or control of Defendants THCR and THCR Board of Trustees.

148. At all times material hereto, with regard to the allegations contained herein, Defendants THCR and the THCR Board of Trustees closely managed, directed, and controlled the ranch, and had oversight, control, and autonomy over the appointment and hiring and firing decisions of all staff and social workers at the ranch.

149. Defendants at all relevant times represented or otherwise indicated to the local family courts and to the public at large that minor children and teenagers would be physically safe while in the custody of Defendant THCR and in presence of the staff and social workers assigned to the ranch.

150. All Defendants owed a duty of care to all children and teenage residents, including Plaintiff, to provide adequate supervision and prevent foreseeable injuries, as well as to respond appropriately if any injuries do occur to the residents in their custody.

Failure to Provide Adequate Supervision

151. As discussed above in Paragraphs 131 through 144, at all material times, Defendants carelessly and negligently failed to adequately supervise Plaintiff.

152. As discussed above in Paragraphs 131 through 144, Defendants knew of, or should have known of, the potential for physical and sexual abuse of younger residents by older residents.

153. As discussed above in 131 through 144, as a direct and proximate result of Defendants negligent supervision of Plaintiff, Plaintiff was repeatedly sexually abused by residents of the ranch, resulting in life-long physical, psychological and emotional harm.

154. Said sexual abuse constitutes a sexual offense as defined in Article one hundred thirty of the Penal Law

Failure to Respond Appropriately

155. Defendants' actions in response to the above sexual abuse constituted a reckless and conscious disregard of the rights, health, and safety of the Plaintiff, and were so malicious, willful, and wanton as to constitute a grievous injury to the public-at-large, as well as to the Plaintiff; and, as such, gives rise to punitive damages.

156. Upon information and belief, Defendant THCR and THCR Board of Trustees had at no time implemented rules, regulations or policies concerning or addressing neither sexual abuse nor the reporting thereof.

157. In response to learning of the above abuse, Defendants took no steps to protect Plaintiff or to further investigate the possibility of extended abuse.

158. In response to learning of the above abuse, Defendants increased the likelihood that Plaintiff would suffer further abuse by publicizing Plaintiff's complaints at "House Meetings".

159. When Plaintiff finally managed to escape the abuse he was suffering at the ranch, Gerrard and Corazzini used their positions of trust and authority vested in them by the Defendants to assist in covering up the sexual abuse. As Executive Director of THCR, Gerrard attempted to convince Plaintiff and Plaintiff's grandmother to agree to have Plaintiff return to the ranch. As a licensed Social Worker, Corazzini misrepresented the nature of Plaintiff's desperate actions to the Suffolk County Family Court, by materially omitting the reason Plaintiff was refusing to return to the ranch.

160. The above-stated acts and omissions of Defendants demonstrated a reckless and conscious disregard of the rights, health, and safety of the Plaintiff, and were so malicious, willful, and wanton as to constitute a grievous injury to the public-at-large, as well as to the Plaintiff; and as such, give rise to punitive damages.

161. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally, and/or in the alternative, for compensatory damages, and punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION
Negligent Failure to Report
(As to Defendants THCR, Jerrell, Fern, Corazzini, Gerrard, Mark, and Rose)

162. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 130 as if fully set forth herein.

163. At all material times, Defendants collectively and individually, owed a statutory duty under the Social Services Law to report suspected child abuse or maltreatment when acting in their professional or official capacities.

164. At all material times, Defendant Jerrell, Fern, Corazzini, Gerrard, Mark, and Rose carelessly and negligently failed to adequately respond to Plaintiff's multiple reports of abuse, which included conduct that would constitute a sexual offenses as defined in Article one hundred thirty of the Penal Law, despite there being more than enough reasonable cause to suspect child abuse or maltreatment.

165. Defendants Gerrard and Corazzini's acts and omissions pertaining to their reporting obligations as a Certified Social Workers fall under their duties as employees to Defendant THCR.

166. Defendants Jerrell, Fern, Mark and Rose's acts and omissions pertaining to their reporting obligations as child care professionals fall under their duties as employees to Defendant THCR.

167. At all material times, Defendant THCR exercised direct or indirect control over Defendants activities.

168. As a direct and proximate result of Defendants negligent failures to report, Plaintiff continued to suffer physical, emotional, and sexual abuse at the ranch.

169. By virtue of Defendant THCR's relationship with Defendants Jerrell, Fern, Corazzini, Gerrard, Mark, and Rose, all Defendants are liable to the Plaintiff, jointly, severally, and/or in the alternative, for compensatory damages, and punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION
Negligent Failure to Provide a Safe and Secure Environment
(Against All Defendants)

170. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 130 as if fully set forth herein.

171. At all material times, as more fully set forth above, Defendants had a duty to Plaintiff to provide a safe and secure environment for the residents in their care, supervision and control and to exercise the same degree of care and supervision over those residents as a reasonably prudent parent would have exercised under similar circumstances. It was reasonably foreseeable that younger and smaller residents may be subjected to sexual assault by other residents

172. Defendants breached that duty by failing to take reasonable steps to provide a safe and secure environment for residents of the ranch, including by failing to provide adequate supervision and failing to investigate Plaintiff's complaints of sexual abuse. This sexual abuse constitutes a sexual offense as defined in Article one hundred thirty of the Penal Law.

173. As a result of the above described breach of duty by Defendants, Plaintiff was sexually abused and has suffered and will continue to suffer the injuries described herein.

174. Had Defendants taken reasonable steps to ensure residents were adequately supervised, and investigated Plaintiff's repeated reports of physical and sexual abuse, Plaintiff's injuries could have been prevented in whole or in part.

175. The above-stated acts and omissions of Defendants demonstrated a reckless and conscious disregard of the rights, health, and safety of the Plaintiff, and were so malicious, willful, and wanton as to constitute a grievous injury to the public-at-large, as well as to the Plaintiff; and, as such, give rise to punitive damages.

176. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally, and/or in the alternative, for compensatory damages, and punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION
Negligent Infliction of Emotional Distress
(Against All Defendants)

177. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 130 as if fully set forth herein.

178. As described above, the actions of Defendants', their successors, agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

179. Defendant's actions and/or inactions endangered Plaintiff's safety and caused him to fear for his own safety. In particular, Defendants failed to investigate and prevent sexual abuse of the Plaintiff by THCR residents. The sexual abuse would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

180. As a direct and proximate result of Defendants' actions and/or inactions, which included but were not limited to negligent and or/grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

181. The action and/or inactions of Defendants were so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

182. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION
Breach of Duty *in Loco Parentis*
(Against All Defendants)

183. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 130 as if fully set forth herein.

184. While he was a minor, Plaintiff was entrusted by his parents, a Suffolk County Family Court, and the Suffolk Department of Social Services, to the control and supervision of Defendant THCR and THCR Board of Trustees and/or Defendants Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc.

185. During the times that Plaintiff was entrusted to Defendant THCR, and THCR Board of Trustees (and/or Defendants Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc.), Defendant THCR's employees and agents, including Defendants Jerrell, Fern, Gerrard, Corazzini, Mark, and Rose were under the supervision and control of Defendant THCR. All these Defendants owe – and owed – a duty to children entrusted to them to act in loco parentis and to prevent foreseeable injuries.

186. All Defendants breached their duty to act in loco parentis. In particular, Defendants failed to investigate and prevent sexual abuse of the Plaintiff by other THCR residents. This sexual abuse would constitute a sexual offenses as defined in Article one hundred thirty of the Penal Law.

187. As a direct result of the conduct of Defendants, Plaintiff has suffered the injuries and damages described herein.

188. Defendants were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff by their breach of their duty to act in loco parentis.

189. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

AD DAMNUM CLAUSE

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
November 14, 2019

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**



REGINA M. CALCATERRA
Calcaterra@whafh.com
JAMES A. ALIAGA
Aliaga@whafh.com
270 Madison Avenue
New York, New York 10016
Phone: (212) 545-4600
Attorneys for Plaintiff

ATTORNEY'S VERIFICATION

State of New York)
) ss
County of Suffolk)


I, REGINA M. CALCATERRA, the undersigned, an attorney duly admitted to practice law in the New York State, hereby state and affirm, under penalty of perjury, that I am one of the attorneys for Plaintiffs in the above-entitled action.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to those matters stated therein to be alleged on information and belief, and as to those matters I believe them to be true.

The ground of my believe as to all matters not stated upon my own knowledge are based upon my reasonable belief in those matters, numerous communications with my clients, the materials and documents in my file, and the investigations conducted by my office.

The reason I make this affirmation instead of the plaintiff is because said plaintiff resides outside New York County, the County where I maintain my office for the practice of law.

Dated: New York, NY
November 14, 2019



REGINA M. CALCATERRA
Attorney